
OLR Bill Analysis

HB 5293 (as amended by House "A")*

AN ACT CONCERNING STOLEN VALOR.

SUMMARY:

This bill limits the crime of falsely representing oneself as having a military medal to a person who does so with the intent to fraudulently obtain money, property, or other tangible benefits. Under current law, a person commits this crime if he or she falsely represents himself or herself, orally or in writing, as a recipient of any Congressional decoration or medal, armed forces service medal or badge, or the ribbon, button, rosette, or "colorable imitation" of any such decoration, medal, or badge. The bill retains the current penalty of a fine between \$500 and \$1,000, up to six months imprisonment, or both.

Under current law, pretrial diversionary programs are available to criminal defendants who have committed certain crimes, but the criteria and the service providers vary depending on whether the defendant is a veteran. The bill limits these veteran-specific aspects of the accelerated pretrial rehabilitation, pretrial drug education, and psychiatric disabilities diversionary programs only to veterans who were discharged or released under conditions other than dishonorable from the U.S. armed forces. It treats family members of such veterans, including the surviving spouse, child, or parents, who, under current law, also qualify for the veterans' provisions, the same as nonveterans.

Under current law, a municipality must designate a municipal employee as a veterans' service contact if it does not have a veterans' advisory committee and does not have a full-time veterans' service contact person. The bill explicitly requires any municipality that shares an advisory committee with other municipalities to designate an employee to serve as the contact person.

*House Amendment "A" (1) removes a provision limiting the crime

of falsely wearing a military uniform to those who do so with the intent to fraudulently obtain money and other tangible benefits and (2) adds the provisions concerning veterans' pretrial diversionary programs and the veterans' service contact person.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

U.S. v. Alvarez

In *U.S. v. Alvarez*, the U.S. Supreme Court ruled that the federal military medal misrepresentation statute was unconstitutional because it violated a person's First Amendment right to free speech (132 S. Ct. 2537 (2012)). The plurality opinion stated there is no general First Amendment exception for false statements, but acknowledged there are many laws punishing or criminalizing false statements that cause definite and identifiable harm (e.g., fraud).

Veterans' Pretrial Diversionary Programs

Under Connecticut's criminal justice system, criminal defendants may avoid prosecution and incarceration by successfully completing court-sanctioned community-based treatment programs (called diversionary programs) before the trial. Participants waive their right to a speedy trial and agree to a tolling of the statute of limitations. A defendant who does not complete or is ineligible for the program is brought to trial.

Accelerated Rehabilitation. The court places participants under the supervision of the Office of Adult Probation for up to two years. If they successfully complete the program, the court dismisses the charges and erases the record. If they violate a condition of the program, they are brought to trial on the original charges. A person is ineligible for the program if he or she is charged with certain crimes. A veteran is may participate twice, instead of only once as allowed by law for nonveterans.

Pretrial Drug Education Program. The pretrial drug education program provides 10- and 15-session drug intervention programs and

substance abuse treatment programs to defendants charged with possession of drugs or drug paraphernalia. A veteran may be sent to a state or federal Veterans' Affairs Department facility for evaluation and treatment.

Psychiatric Disabilities Diversionary Program. The Judicial Branch's Court Support Services Division administers a pretrial supervised diversionary program for criminal defendants with psychiatric disabilities who have been charged with relatively minor crimes and motor vehicle offenses. The law grants eligibility to veterans with mental health conditions amenable to treatment, even if they do not have a psychiatric disability.

Veterans' Service Contact Person's Duties

By law, the contact person must perform the same duties that the law requires veterans' advisory committees to perform, including:

1. coordinating all matters concerning veterans and their dependents;
2. coordinating public and private facilities concerned with veterans' reemployment, education, rehabilitation, and adjustment to peacetime living;
3. cooperating with all national, state, and local government and private agencies in securing services and benefits to which a veteran or his or her dependents may be entitled;
4. encouraging and coordinating veterans' vocational training services; and
5. working with veterans organizations as much as possible to carry out these activities.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable Change of Reference
Yea 14 Nay 0 (03/11/2014)

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/02/2014)